

REMARKS

Claims 1-15 are presently pending and stand rejected.

Claims 1-15 were provisionally rejected on grounds of non-statutory obviousness-type double patenting over claims 1-15 of copending (Application No. 10/803,420). Assignee has amended claims 1-15. Furthermore, since the conflicting claims have not in fact been patented, the rejection is provisional. Accordingly, Assignee will address the rejection should it become actual.

Claims 1, 6 and 11 were rejected under 35 U.S.C. § 102(e) as being anticipated by Fukumoto. Assignee has amended claims 1, 6, and 11 to recite, among other limitations "generating replicated frames for playback at a desired rate, wherein said replicated frames comprise the frames of the original audio signal, wherein at least some of the frames of the original audio signal are repeated".

Assignee respectfully submits that Fukumoto does not teach the foregoing, especially not "wherein at least some of the frames of the original audio signal are repeated". Even if Fukumoto [0036], teaches "replicating frames at a rate according to a desired playback speed", as indicated by Examiner, Fukumoto clearly does not teach that "frames of the original audio signal are repeated".


Accordingly, Assignee respectfully requests the Examiner withdraw the rejection to claims 1, 6, and 11, as well as to dependent claims 2-4, 7-10, and 12-15.

## CONCLUSION

For at least the foregoing reasons, Assignee submits that each of the pending claims are now in a condition for allowance. Accordingly, Examiner is requested to pass this case to issuance.

It is believed that all monies for the actions described herein are provided with this correspondence. To the extent that additional monies are required for any of the actions requested in the correspondence, Commissioner is authorized to charge such fees and credit any overpayments to deposit account 13-0017.

Respectfully Submitted



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